

VIA ELECTRONIC TRANSMISSION

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June 10, 2013

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Washington Office of the Attorney General  
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PO Box 40100  
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State of Washington Public Disclosure Commission  
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**Re: SUPERINTENDENT SAUNDRA LYNNE HILL, WSBA No. 31016, et. al. AND  
PASCO CITIZENS FOR BETTER SCHOOLS – VIOLATIONS OF RCW 42.17A.555  
& RCW 42.17A.750**

Honorable Bob Ferguson and Mr. Stutzman:

Submitted herewith is a complaint concerning the violation of RCW 42.17A.555. As you are aware, RCW 42.17A.555 prohibits the use of public office or agency facilities in political campaigns.

**As the violations enumerated herein “probably affected the outcome of (the) election”, the Attorney General is hereby requested to investigate and bring civil action under RCW 42.17A.750. Such remedy is necessary in order to void the subject election, hold a special election within sixty days of the finding, and “protect the right of the electorate to an informed and knowledgeable vote”.**

**After reviewing fourteen (14) years of Public Disclosure Commission Compliance Complaints for violations of RCW 42.17.130/42.17A.555, this case, by far, is the most egregious, expansive and organized, involving the largest misappropriation of public resources. This case necessitates a thorough, high priority investigation to resolve the outstanding issues as soon as possible.**

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The first set of Respondents include Superintendent Saundra Lynne Hill, WSBA No. 31016 and other public officers of Pasco School District No. 1. Superintendent Hill, WSBA No. 31016, resides at 7420 Ricky Road, Pasco, Washington 99301-6716 and maintains a telephone number of (509) 546-2800. As noted in the Statement of Material Facts below, contact information for other public officers participating in this violation is not available, however, names and titles are provided.

The second Respondent is Pasco Citizens for Better Schools, a Campaign Committee registered with the Public Disclosure Commission. Pasco Citizens for Better Schools is managed by Michael Miller, 515 West Clark Street, Pasco Washington 99301 and maintains a telephone number of (509) 545-1881. Other officers include Valerie Moffitt and John Sawyer

The public's resources misappropriated and utilized in a political campaign are those of the Pasco School District No. 1. Pasco School District No. 1 is located at 1215 West Lewis, Pasco Washington 99301 and maintains a telephone number of (509) 543-6700.

All Pasco School District No. 1 documents provided herein were obtained by way of a formal public records request. All PDC documents were obtained from the State of Washington Public Disclosure Commission's website.

In order to avoid further misappropriation of public resources and facilities, the Public Disclosure Commission must ensure that Superintendent Hill, WSBA No. 31016, and all Respondents, not be permitted to utilize resources from Pasco School District No. 1 or any other public agency in responding to this review.

Similar to theft, these actions are personal to the Respondents, not an authorized or permitted activity for public officers.

Despite Complainant's Public Disclosure Request for "***Any and all documents related to the Proposed Bond Measure***", Pasco School District No. 1 has not provided documents related to the significant costs incurred related to use of stationery, postage, machines, and equipment, email, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and other public resources used to promote the approval of the 2013 Bond Levy and influence the outcome of the vote. As such, no data related to public expenditures, public employee hours, or other public resources utilized are included herein.

Thank you in advance for your assistance. Please keep me appraised of your progress and final determination in this important community matter.

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### **STATEMENT OF MATERIAL FACTS**

On November 27, 2012, the Pasco School District No. 1 Board of Directors took action to include a measure for a \$46,864,000 bond to “Construct And Improve School Facilities”. The 2013 Bond Levy was placed before the voters at a Special Election held February 12, 2013. **EXHIBIT 1** is a copy of Pasco School District No. 1 Resolution 850 authorizing the 2013 Bond Levy.

On January 8, 2013, the Pasco School District No. 1 Board of Directors took action to appoint Pasco Citizens for Better Schools (Mike Miller, Valerie Moffitt and John Sawyer) to the 2013 Bond Levy Proponent Committee. **EXHIBIT 2** is a copy of the minutes from the aforementioned meeting.

On February 12, 2013, the 2013 Bond Levy received 59.3% of the vote at the initial tally. The 2013 Bond Levy was narrowly approved upon the final tally, 61.7% (7,219 votes) in favor, 38.3% (4,481 votes) against with a 44.06% turnout.

**EXHIBIT 3** is a copy of the Pasco School District No. 1 Organizational Chart. This Organizational Chart provides clarity as to the close coordination among the public officials (Respondents) who directly report to Superintendent Hill, WSBA No 31016, enumerated herein.

Key Pasco School District No. 1 public officials (Respondents) who participated in the crusade to utilize public resources to support the 2013 Bond Levy, and influence the outcome of the vote include: Superintendent Sandra Lynne Hill, WSBA No. 31016; Director of Public Affairs, Leslee Caul; Executive Director of Human Resources & Legal Affairs Sarah Thornton, WSBA No. 25523; Assistant Superintendent of Operations John Morgan; Director of Fiscal Services Howard Roberts; Assistant Superintendent of Instructional Services Becky Gauthier; and Publications Manager Annie Warren. Address and telephone information is not available for these individuals.

### **Refusal To Communicate With Proposed Bond Opposition Committee**

On Thursday, August 23, 2012, Complainant emailed Pasco School District No. 1 public officials concerning the formation of a Bond Opposition Committee. Recipients included Director of Public Affairs, Leslee Caul; Executive Director of Human Resources & Legal Affairs Sarah Thornton, WSBA No. 25523; Superintendent Sandra Hill, WSBA No. 31016; and Jessica Morgan. **EXHIBIT 4** is a copy of said email.

On Friday, August 24, 2012, Superintendent Hill, WSBA No. 31016, emailed Director Caul “I don’t think we collect this. If he wants to write an opposition, I think it’s up to him. Let’s find out where we refer him.”. **EXHIBIT 5** is a copy of said email from Superintendent Hill, WSBA No. 31016.

Complainant received no response to his email from the Pasco School District No. 1.

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As an attorney at law who has been responsible for submitting several bond and levy issues for a public vote, Superintendent Hill, WSBA No. 31016, is or should be aware that her direction to staff was clearly a violation of RCW 29A.32.280 - Arguments advocating approval or disapproval - Preparation by committees.

**Solicitation For and Collection Of 2013 Bond Levy Campaign Funds From Pasco School District Employees Utilizing Pasco School District No. 1 Public Resources**

On Monday, September 17, 2012, 2013 Bond Levy Proponent Pasco Citizens for Better Schools Manager Micheal Miller sent an email to Pasco School District No. 1 employee Violeta Smith with copies to Superintendent Hill, WSBA No. 31016, and Director Caul. **EXHIBIT 6** is a copy of said email. 2013 Bond Levy Proponent Pasco Citizens for Better Schools Manager Miller's email was as follows:

“Hi  
Payroll deduction forms

I have delivered to all schools except Maya Angela and McGee and will have them done on Wednesday

*Please make sure all Principals and PAE Reps are followed up by the respective chain so that we can get a higher participation rate by all PSD (Pasco School District) Employees (emphasis added)*

*We were at \$407 per month I would like to hit \$1000 if at all possible as we will get done with this Bond campaign and then follow it with a Levy campaign next year I want us to start having meetings soon as well (emphasis added)”*

The email exchange in **EXHIBIT 6** clearly shows that the 2013 Bond Levy Proponent Pasco Citizens for Better Schools, Superintendent Hill, WSBA No. 31016, and public officials reporting to her were coordinating fund raising activities, utilizing Pasco School District No. 1 public resources for the express purpose of approving the Bond authorized by Resolution 850.

Superintendent Hill, WSBA No. 31016, is aware of and promotes the illegal funneling of campaign funds to 2013 Bond Levy Proponent Pasco Citizens for Better Schools, as well as the coordination of meetings related thereto.

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On January 6, 2013, 2013 Bond Levy Proponent Pasco Citizens for Better Schools Manager Micheal Miller sent an email with a copy to Superintendent Hill, WSBA No. 31016. **EXHIBIT 7** is a copy of that email. The text of the message included:

Saundra Joy

We just received a check from PSD (Pasco School District) for the latest Payroll deduction efforts It was over \$500 which for me is fantastic

*I believe this is best efforts from a PSD (Pasco School District) Administrative push and PAE donations and leadership to get ground roots support* (emphasis added)

For the Bond 2013 campaign

*We need to keep pushing to get support is the best way possible* (emphasis added)

Do the schools need more PR Deduction forms  
What can be said in your newsletters

We have signs going up this week

We talk to Charter Channel 3 on Tuesday but things have changed all over the place  
They normally have three of us on the interview  
This time we only get one

*Saundra I believe it should be you or John Morgan* (emphasis added)

The problem is it is Tuesday night  
This was a squeeze us in and only this time available situation so I apologize

We have the pipefitters presentation on Thursday night at 6:30

I also have the TC Sunrise Rotary presentation on Friday at 6:45am

We meet with the TCH Editorial Board on the 15th of January

We are on our Month of January campaign run we have a lot on our plate both for the campaign and our every day busy lives

*So first I want to thank you for your patience in advance as we set a pace for getting this*

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*election campaign passed* (emphasis added)

*And second keep asking the questions to make sure we are doing everything possible*  
(emphasis added)

*We are back on track for Monday night meetings tomorrow the 7th*

*See you there* (emphasis added)

The **EXHIBIT 7** email clearly details the “hand in glove” relationship between Superintendent Hill, WSBA No. 31016, and 2013 Bond Levy Proponent Pasco Citizens for Better Schools in coordinating fund raising and other activities to influence the vote and approve the bond measure authorized by Resolution 850. It is very disconcerting that Superintendent Hill, WSBA No. 31016, attended 2013 Bond Levy Proponent Pasco Citizens for Better Schools meetings as “*(w)e are back on track for Monday night meetings tomorrow the 7th See you there*”.

2013 Bond Levy Proponent Pasco Citizens for Better Schools Manager Mike Miller attributes the “*fantastic*” campaign contributions to the “*best efforts from a PSD (Pasco School District) Administrative push*” (emphasis added). Furthermore, 2013 Bond Levy Proponent Pasco Citizens for Better Schools Manager Micheal Miller advised “*So first I want to thank you for your patience in advance as we set a pace for getting this election campaign passed*” (emphasis added).

### **Superintendent Hill's Speaking Engagements Arranged By 2013 Bond Levy Proponent Pasco Citizens For Better Schools**

On September 4, 2012, 2013 Bond Levy Proponent Pasco Citizens for Better Schools Manager Micheal Miller began an email thread which served to coordinate multiple speaking engagements for Superintendent Hill, WSBA No. 31016. On September 6, 2012, Director Caul becomes involved in the exchange to set up the multiple speaking engagements for Superintendent Hill, WSBA No. 31016, to support of the 2013 Bond Levy. **EXHIBIT 8** is a copy of the email tread.

On October 3, 2012, Pasco School District No. 1 employee Valerie Smith ([VaSmith@psd1.org](mailto:VaSmith@psd1.org)) emails 2013 Bond Levy Proponent Citizens for Better Schools Manager Micheal Miller; Superintendent Hill, WSBA No 31016; Director Caul and Assistant Superintendent of Instructional Services Becky Gauthier to finalize a speaking engagement supporting the 2013 Bond Levy. **EXHIBIT 9** is a copy of the email thread.

Again in reference to **EXHIBIT 7**, 2013 Bond Levy Proponent Citizens for Better Schools Manager Micheal Miller confirms the scheduling of no less than four (4) speaking engagements for Superintendent Hill, WSBA No. 31016, to promote approval of the 2013 Bond Levy. These

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engagements include the *“TCH Editorial Board on the 15th of January”*; the *“TC Sunrise Rotary presentation on Friday at 6:45am”*; the *“pipefitters presentation on Thursday night at 6:30”*; and the *“talk to Charter Channel 3 on Tuesday”*. EXHIBIT 10 confirms Superintendent Hill's, WSBA No 31016, Charter Channel 3 interview, and that it was arranged by 2013 Bond Levy Proponent Citizens for Better Schools Manager Micheal Miller.

We also find 2013 Bond Levy Proponent Citizens for Better Schools Manager Micheal Miller advising Superintendent Hill, WSBA No. 31016, *“For the Bond 2013 campaign We need to keep pushing to get support is the best way possible Do the schools need more PR Deduction forms What can be said in your newsletters We have signs going up this week* (emphasis added).”

EXHIBITS 7, 8 and 9 clearly show the “hand in glove” relationship between Superintendent Hill, WSBA No. 31016, and 2013 Bond Levy Proponent Pasco Citizens for Better Schools in coordinating fund raising, a “Speakers Bureau” with public resources and other activities to influence the vote and approve the bond measure authorized by Resolution 850.

None of the activities enumerated in these emails are a public responsibility or within the purview of Superintendent Hill, WSBA No 31016 or other agency officials.

On Friday, December 28, 2012 at 10:58 AM, 2013 Bond Levy Proponent Citizens for Better Schools member Valerie Moffitt emailed Superintendent Hill, WSBA No 31016 with a carbon copy to 2013 Bond Levy Proponent Citizens for Better Schools Manager Micheal Miller. EXHIBIT 11 is a copy of said email.

“Saundra,

I think a PSD presence at the Mid Columbia Ag Hall of Fame -Thurs. Jan 17 at the Pasco Red Lion - might be beneficial on several fronts.

*First of all it is an opportunity to work the room for passage of the bond* (emphasis added).”

“The Port of Pasco co sponsors this program. As master of ceremonies, Jim Toomey was VERY complimentary of PSD and I thought it was too bad there was no PSD table/representation. I think you need to be out in front of this segment of the community and this industry, this event is a positive place to be.

I hope you agree this is a worthwhile function to attend. I have already run this by (2013 Bond Levy Proponent Citizens for Better Schools Manager) Mike Miller and he is not

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available. *My farm business is willing to sponsor a table of 8 if you can fill it* (emphasis added). Please let me know very soon so I can make arrangements.

Thank you - Happy New Year!

Valerie Moffitt

539-9021”

On Monday, January 07, 2013 at 12:34 PM, Superintendent Hill, WSBA No. 31016, responded, with copies to Director of Career and Technical Education Chris Martinson; Assistant Superintendent of Operations John Morgan; Assistant Superintendent of Teaching & Learning Cal Bacon; Assistant Superintendent of Instructional Services Glenda Cloud.

“Can anyone go? I think this is a good suggestion.”

EXHIBIT 11 clearly displays Superintendent Hill, WSBA No. 31016, and her fellow public official's support and use of public resources to support the 2013 Bond Levy Proposal authorized by Resolution 850.

The Response from Superintendent Hill, WSBA No. 31016, “*I think this is a good suggestion*” to 2013 Bond Levy Proponent Pasco Citizens For Better Schools member Valerie Moffitt's statement “*First of all it is an opportunity to work the room for passage of the bond*” is a clear exercise of support of the 2013 Bond Levy in her capacity as a public official.

In addition, 2013 Bond Levy Proponent Pasco Citizens For Better Schools member Valerie Moffitt advising Superintendent Hill, WSBA No. 31016, “*My farm business is willing to sponsor a table of 8 if you can fill it*” is an inappropriate use of public resources and agency officials to support a private event with the understanding that the purpose was to “*work the room for passage of the bond*”.

Again, 2013 Bond Levy Proponent Pasco Citizens For Better Schools is coordinating a “Speakers Bureau” utilizing public resources and agency officials to support approval of the ballot measure, and influence the outcome of the vote.



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**Other Unlawful Support Provided To 2013 Bond Levy Proponent Pasco Citizens For Better Schools And Others From Superintendent Hill, WSBA No. 31016, et. al.**

On Monday, October 22, 2012 at 2:43 PM 2013 Bond Levy Proponent Citizens for Better Schools Manager Micheal Miller emails Pasco School District No. 1 Director of Fiscal Services Howard Roberts as follows:

“Howard Can you provide a list of PSD Vendors contact info phone number mailing addresses etc etc etc Thanks for all your help”.

On Thursday, October 25, 2012 at 5:19 PM, Director Roberts responded:

“Mike, Here’s what we have in Excel format.”

**EXHIBIT 12** is a copy of that email and response.

Director Roberts provided Pasco School District's clientele list of persons served by the office or agency (vendor list) to 2013 Bond Levy Proponent Citizens for Better Schools Manager Micheal Miller.

Director Roberts also made financial contributions to 2013 Bond Levy Proponent Citizens for Better Schools enhancing his involvement in the endeavor (EXHIBIT 13).

It should be noted that this production was not made by way of a Public Records Request, and no requisite review or redaction of private information was performed prior to production. Director Roberts is in no any way involved in the District's Public Disclosure process, which is overseen by Executive Director of Human Resources & Legal Affairs Thornton, WSBA No. 25523.

It also appears that this production is a violation of RCW 42.56.070 (9) whereby Director Roberts provides Public Records for a commercial purpose.

It should be noted that a wide variety of power point and other bond related materials were voluntarily provided without benefit of a Public Disclosure Request to 2013 Bond Levy Proponent Citizens for Better Schools Manager Micheal Miller.

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In contrast, Complainant's Public Disclosure Request for 2013 Bond Levy information was subject to robust legal review, redaction and remains ongoing well after the February 12, 2013 election date. The Opponent Committee Member was required to utilize Pasco School District No 1's formal Public Disclosure Request process administered through Executive Director Thornton, WSBA No. 25523, including signing for the receipt of public information.

2013 Bond Levy Proponent Citizens for Better Schools hit pay dirt with Pasco School District's clientele list of persons served by the office or agency. The correlation between the Pasco School District No. 1 clientele list and the report from the Public Disclosure Commission for contributions to 2013 Bond Levy Proponent Citizens for Better Schools (EXHIBIT 13) is uncanny.

The list of large contributors from Pasco School District No. 1's clientele list includes: Design West Architects, Pa, 2013-01-08, \$1,000.00; CKJT Architects, 2013-01-08, \$500.00; Evergreen Associates Educational Consultants, 2013-01-04, \$500.00; Meng Analysis, 2013-02-04, \$250.00; and Withycombe Scotten & Associates, 2013-02-25, \$100.00.

Each of these clients will benefit nicely from passage of the 2013 Bond Levy. For example, on July 12, 2012, Design West Architects amended its contract with Pasco School District No. 1 to redesign Elementary School 13 (ES 13) which is included as a project under the 2013 Bond Levy. **EXHIBIT 14.**

On Wednesday, December 19, 2012 at 9:55 AM, Director Roberts emailed Superintendent Hill, WSBA No. 31016, the following, provided hereto as **EXHIBIT 15:**

“Saundra,

Franklin County is now requiring jurisdictions submitting issues to the voters to provide information for an online voters' guide. The basic requirements for the district are a 100-word explanatory statement and appoint members to pro and committees to write statements in the pamphlet.

This is a surprise to me *and I suspect everyone involved in the bond issue* (emphasis added). I've talked with both Jim and Diana Killian on a teleconference expressing our surprise and concern about the tight deadlines. Sounds like something we could fight since, as Jim says, the statute assumes a printed voter pamphlet (29A.32.210). *Then again there is one big advantage, getting the pro statement in front of those who will access the online pamphlet* (emphasis added).

I'd like to talk with you about this when you get a chance.”

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Despite having knowledge about an Opponent Committee beginning August 23, 2012, Pasco School District No. 1 officials ignore the advantage of also getting the Opposition Statement *“in front of those who will access the online pamphlet”*.

Clearly, Superintendent Hill, WSBA No. 31016, and associated public officials are in favor of seeking the approval of 2013 Bond by taking the “one big advantage (of) getting the pro statement in front of those who will access the online pamphlet” exercising every possible opportunity to utilize public resources to support the measure and influence the outcome of the vote.

On Thursday, September 27, 2012 at 4:39 PM, Director Caul sends out an email Press Release advising of an event entitled “Very interested parents and patrons (VIP) are very important in Pasco”. **EXHIBIT 16** is a copy of the email and attachment (please note the date of the attachment is wrong as the document includes a “today's date” field code). Here, agency officials utilize public resources to target a specific subgroup in its effort to support the 2013 Bond Levy, and influence the outcome of the vote.

On Thursday, November 03, 2011 at 12:37 PM, Superintendent Hill, WSBA No. 31016, emails Director Caul. The **EXHIBIT 17** email provides:

Leslee

Can u (sic) add a few slides to the ppt for Mike (Miller)? Send to me to verify. Let Mike (Miller) know a revision is coming.

The subject Power Point presentation was prepared by agency officials and with public resources for Bond Levy Proponent Citizens for Better Schools Manager Micheal Miller.

On Wednesday, October 17, 2012 at 10:54 AM, Publications Manager Annie Warren emails Superintendent Hill, WSBA No. 31016, Valerie Smith; Director Caul; Gracie Valle; Jessica Morgan concerning the final full-color bond graphic. **EXHIBIT 18** is a copy thereof. The final full-color graphic was a part of a special Pasco School District No. 1 student school project to develop the poster in support of the 2013 Bond Levy. Text added to the student drawing by agency officials included **“Pasco School District Bond 2013”** and **“More New Students Equals More New Schools Needed”**, clearly a message supporting the 2013 Bond Levy, and influencing the outcome of the vote.

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On Nov 14, 2012, at 3:19 PM, Publications Manager Annie Warren emails Superintendent Hill, WSBA No. 31016, and all Principals and Secretaries the following email, attached hereto as **EXHIBIT 19**:

“Dear Principals and Secretaries,

We are sending out packets of bond posters to every school. They should arrive in District mail tomorrow morning. Please be sure to hang the largest ones (which are laminated) on your front doors/in the front entry (CHS and PHS get two sets). There are several sets of smaller posters to please hang in other prominent places around the school such as your front office, library door, etc. PLEASE HAVE THEM UP IN TIME FOR CONFERENCES TOMORROW if possible! (emphasis original)

***You will also see an 8.5 x 11” sign directing people to pick up voter registration packets—please hang these wherever your voter registration packets are located, or let us know if you need some!!*** (emphasis added)

Thank you for your cooperation, and please let me know if you need anything.  
-Annie”

Here, Superintendent Hill, WSBA No. 31016, and her administrative team make a concerted effort, using public resources, to develop, print, purchase, and display full color signs and other promotional messages in support of the 2013 Bond Levy, and influence the outcome of the vote.

In addition, Pasco School District No. 1 officials take the extraordinary step of handing out voter registration packets, a function not heretofore performed by Pasco School District No. 1 staff.

Moreover, not provided herewith, are hundreds of emails devoted towards the task of scheduling informational meetings, coordination of speaking engagements and support of the 2013 Bond Levy, and influencing the outcome of the vote.

On Wednesday, November 14, 2012, Superintendent Hill, WSBA No. 31016, emails all Elementary Principals and Secondary Principals, provided hereto as **EXHIBIT 20**:

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“All

With concerts and winter sporting events coming up, *we would like to have bond information tables provided at your schools* (emphasis added). *We would ask that you provide a table in the entrance area to the event and at least one school person (employee or parent) to help man it. We will provide one Booth admin to be there as well. We will also provide brochures, posters, drawings of the new schools and buttons as they are available* (emphasis added).

We are putting together the schedule now and will send it out to you. But, Chiawana looks like it is up first on Thursday night with a concert. Liz will be there.  
Thanks!”

Again, Superintendent Hill, WSBA No. 31016, and her administrative team make a concerted effort, using public resources, to display full color signs and other promotional messages in support of the 2013 Bond Levy and influence the outcome of the vote.

On Wednesday, October 31, 2012 at 10:49 AM, Superintendent Hill, WSBA No. 31016, emails her leadership Council on the subject of “bond info sessions at Booth”, provided hereto as **EXHIBIT 21**:

“All

*I am disappointed that you did not have some of your Booth staff attend any of the Booth bond info sessions we offered for Booth staff* (emphasis added). We offered three so that it would provide options. *Not attending should not have been an option* (emphasis added). We will offer one more. *Please make sure that your staff attend* (emphasis added). It is important that they have the factual info to answer questions from family and neighbors.”

Here we find Superintendent Hill, WSBA NO. 31016, coercing Pasco School District No. 1 staff into attending 2013 Bond Levy informational sessions as “*Not attending should not have been an option*”.

On Friday, September 14, 2012 at 8:35 AM, Manager Warren emails all Principals and Secretaries **EXHIBIT 22** provided herewith:

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“Dear Principals and Secretaries,

Please be sure to put a notice in your school bulletins each day next week reminding students to have their parents fill out the bond survey and return it by Friday, September 21.

Thank you.

-Annie”

**EXHIBIT 23** is a copy of the subject survey. The survey is is entitled Bond Survey, and was clearly conducted to determine what taxation level the public would support with the question - “*The April 2011 bond election failed. Would you be willing to support a revised bond election that would cost substantially less?*”

On Friday, January 04, 2013 at 1:40 PM, Director Caul emails 2013 Bond Levy Proponent Pasco Citizens for Better Schools Manager Micheal Miller a personal invitation, with a copy to Superintendent Hill, WSBA 31016, concerning the Franklin County Voters’ Pamphlet notice, provided hereto as **EXHIBIT 24**.

*“And Happy New Year citizen friend!* (emphasis added)

*Wanted to make sure you saw this:* (emphasis added)

Pasco School District Seeking Applicants

On December 19, 2012, the District was notified that Franklin County would be producing an on-line voters’ pamphlet for the February 2013 election. The District is seeking applications from citizens interested in being appointed to a committee to write the pro/con statements for the upcoming bond election for the Franklin County Voters’ Pamphlet. Those interested should send their name, address, phone number and which position they represent to Valerie Smith at the Booth Building, 1215 West Lewis Street, Pasco, WA or via email at Vasmith@psd1.org by noon on Monday, January 7, 2013. The Board will take action on the appointments at its January 8, 2013 regular board meeting.

Thanks!”

The Opposition Committee, and Complainant, having made itself known to Superintendent Hill, WSBA No. 31016, and her administrative team on August 23, 2012, did not receive a warm and fuzzy personal invitation with a “(t)hanks!” as provided above. Superintendent Hill, WSBA 31016, and Director Caul are appraised of who will be preparing the Proponent Ballot Statement on behalf of 2013 Bond Levy Proponent Pasco Citizens for Better Schools.

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As enumerated in **EXHIBIT 25**, attached hereto, 2013 Bond Levy Proponent Pasco Citizens for Better Schools and Director Caul remain in close and constant contact during the preparation of the Proponents Statement for the 2013 Bond Levy, and receive a copy of the final submission. At no time did the Opponent Committee receive the same or similar access to information and communications as did 2013 Bond Levy Proponent Pasco Citizens for Better Schools.

On Wednesday, November 28, 2012 at 12:52 PM, Pasco School District No.1 employee Jessica Morgan emails all employees, including Superintendent Hill, WSBA 31016, the following provided hereto as **EXHIBIT 26**:

For a chance to win a mini-photography session with Photography by Galicia, please reply to this email with the correct answer to the following question

What is the 2013 Bond slogan?

Answers must be received by tomorrow at 11:30 a.m.

Again, Superintendent Hill, WSBA No. 31016, and her administrative team are utilizing public staff, resources and time to foster support for the 2013 Bond Levy authorized by Resolution 850 and to influence the outcome of the vote.

On Thursday, March 01, 2012 at 12:12 PM, Superintendent Hill, WSBA No. 31016, emails Executive Director Morgan the following for the “Monday Agenda”, provided hereto as **EXHIBIT 27**:

“Please remove “selling points for bond.” Rephrase it. Construction cost efficiencies or strategies for reducing construction costs or something.”

On Wednesday, February 03, 2010 at 1:20 PM, Superintendent Hill, WSBA No. 31016, emails the Pasco School District Board of Directors, Leadership Council and Principals the following, provided hereto as **EXHIBIT 28**:

**Re: SUPERINTENDENT SAUNDRA LYNNE HILL, WSBA No. 31016, et. al. AND PASCO CITIZENS FOR BETTER SCHOOLS – VIOLATIONS OF RCW 42.17A.555 & RCW 42.17A.750**

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“You are invited to Moffits (Pasco Citizens for Better Schools members) after the board meeting on Tuesday night *to hopefully celebrate a successful levy*” (emphasis added).  
Saundra

Both emails clearly show Superintendent Hill, WSBA No. 31016, and her administrative team's deep-seated and ingrained support for bond levies, and its determination to influence the outcome of the vote. It is also noted that Superintendent Hill, WSBA No. 31016, is kept apprised of meetings of Bond Levy Proponent Pasco Citizens for Better Schools.

As noted throughout, Superintendent Hill, WSBA No. 31016, and other agency officials remained in constant contact with 2013 Bond Levy Proponent Pasco Citizens for Better Schools members.

For example, on Friday, March 23, 2012 at 10:41 AM, Superintendent Hill, WSBA No. 31016, emails 2013 Bond Levy Proponent Pasco Citizens for Better Schools Manager Miller as follows provided hereto as **EXHIBIT 29**:

“Mike  
We will have the bond election discussion next Tuesday, March 27 at 4:30 in the board room. Feel free to invite the Citizens (2013 Bond Levy Proponent Pasco Citizens for Better Schools).”

As noted in **EXHIBIT 30**, the “**(t)he topic is important, whether we run a bond and when.**”

In this case, Superintendent Hill, WSBA No. 31016, provides 2013 Bond Levy Proponent Pasco Citizens for Better Schools Manager Mike Miller exclusive access to a Special Board Meeting to assist with influencing the outcome of the vote.

On January 10, 2013, Superintendent Hill, WSBA No. 31016, contributes \$500.00 to 2013 Bond Levy Proponent Pasco Citizens for Better Schools (**EXHIBIT 13**). Typically, such contributions by agency officials are considered an exercise of their private first amendment protections.

However, in this case, Superintendent Hill, WSBA No. 31016, attends meetings on public time, provides public resources in support, funnels campaign contributions with public resources, utilizes public resources to communicate regularly with, and participates at all levels in the activities of 2013 Bond Levy Proponent Pasco Citizens for Better Schools.



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Rather than a private protected contribution, this is a continuation of the unfettered partisan support with public resources of 2013 Bond Levy Proponent Pasco Citizens for Better Schools by Superintendent Hill, WSBA No. 31016.

**Derogatory Comments By Superintendent Hill, WSBA No. 31016, Directed Towards A Political Party**

On Monday, October 8, 2012 at 10:42 AM, Superintendent Hill, WSBA No. 31016, emails Dr. Lawrence Nyland, Superintendent of Marysville School District. Provided hereto as **EXHIBIT 31**, Superintendent Hill, WSBA No. 31016, bemoans:

“We will have organized opposition for the first time—the tea party people who are anti-tax for any reason. It is sometimes hard to be the red part of a blue state.”

Naturally, it is inappropriate for a public employee to serve disparaging comments to any member of the public, especially when said members of the public pay taxes which support their substantial salary and benefits (said benefits alone exceed the area's median income).

In this case, Superintendent Hill, WSBA No. 31016, makes comments which serve only to show a total disregard for the independence of the election process, and utilizing the public's resources, specifically in her role as Superintendent, displays her deep-seated and ingrained support for the 2013 Bond Levy, and opposition towards any particular party affiliations of which she does not favor.

**Intimidation Of The Public By Way of Threatened Impacts In Order To Support The 2013 Bond Levy**

On June 21, 2012, Pasco School District Assistant Superintendent Morgan held a public session concerning a proposed \$46.6 million bond ballot measure being considered by the Pasco School District Board of Directors. **EXHIBIT 32** is copy of the Tri-City Herald article concerning that session. During that session, Superintendent Morgan threatens:

“Without a bond, the district would have to move some schools to multitrack operation, where the schools are open year-round but students attend on different tracks. The district also could double-shift schools, with half of a school's students attending in the morning and the other half in the afternoon. Both options are expensive”.

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On September 25, 2012, the Pasco School District No. 1 Board of Directors agreed to place a \$46.4 million bond on the February ballot. **EXHIBIT 33** is a copy of the Tri-City Herald Article advising of that action. Superintendent Hill, WSBA No. 31016, advised:

*“Without a bond, the district would have to resort to a multi-track school year, which requires schools to operate year-round; or double-shifting students, which would have one group attend classes in the morning and another in the afternoon. District officials have said those two options would cost the district more money in the long run. The fact is, we’re running out of space to put portable classrooms. We cannot continue as we’ve been doing. We have to do something.”* (emphasis added).

On October 8, 2012, as noted in **EXHIBIT 31**, Superintendent Hill, WSBA No. 31016, emails Dr. Lawrence Nyland, Superintendent of Marysville School District as follows:

“In Fall 2011, after the board accepted the task force recommendations, we conducted about 60 community sessions to discuss options to building schools (MTYR and Double Shifting), which were well attended. *The thought of MTYR or DS pretty much galvanized folks. They don’t like it. They wanted another bond right away* (emphasis added). We then took a break to run the levy.

*In March 2012, staff went to the board with recommendations, which again hit the media. In May and June, we did community info sessions and spoke to staff groups. In September, we conducted another survey, with a high return and have been out to staff and community again.”* (emphasis added)

On October 25, 2012, Superintendent Hill, WSBA No. 31016, and other agency officials conducted an informational session concerning the agreed to \$46 million bond. The meeting was prefaced with the statement that *“District officials have said the bond is needed to keep up with current enrollment and avoid other measures, such as double-shifting or a multi-track school year.”* **EXHIBIT 34** is a copy of the article in the Tri-City Herald advising of the session.

On January 10, 2013, Superintendent Hill, WSBA No. 31016, sends out her 2013 Bond Levy power point presentation to all Pasco School District No. 1 Administrators. Said presentation is provided hereto as **EXHIBIT 35**.

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This power point is the basis of the numerous presentations made by Superintendent Hill, WSBA No. 31016, and other agency officials to Pasco School District No. 1 staff, parents, students and targeted interest groups. The presentation specifically threatens that if the 2013 Bond Levy fails, “*(t)he District would likely move to MTYR (multi-track) or DS (double Shifting) in 2014-15 in several schools” and (t)he conversion to K/1-6 would phase in as elementary schools move to MTYR or Double Shifting*”.

On January 29, 2013, a Letter to the Editor for the Tri-City Herald is submitted on behalf of Board President Sherry Lancon (given the significant number of Public Affairs and other administrative staff, it is unlikely that Directors pen their own correspondence). **EXHIBIT 36** is a copy of said letter. The public is threatened and intimidated as follows:

*“We are out of room. We must either build new schools, or plunge into the unknown territory of multi-track year-round schooling or double shifting. This is the path of desperation not quality education. It is not the best choice for our students and parents. Keep Pasco Pride alive. Vote yes (emphasis added).”*

Board President Lancon's Letter to the Editor does not comport with RCW 42.17A.555 (2) which prohibits a statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry.

In order to foster support for the 2013 Bond Levy, Superintendent Hill, WSBA No. 31016, and other agency officials use threats and intimidation by continually introducing the knowingly repulsive subject of multi-tracking and double sessions. Superintendent Hill, WSBA No. 31016, learned through community surveys that “The thought of MTYR or DS pretty much galvanized folks. They don’t like it. They wanted another bond right away.”

Based upon results of surveys taken by the District, residents of Pasco School District No. 1 are continually advised and reminded that should the 2013 Bond Levy not pass, multi-tracking and double sessions will be implemented causing family disruptions and creating issues with child care. Therefore, Superintendent Hill, WSBA No. 31016, used these points to support the 2013 Bond Levy and influencing the outcome of the vote.

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**Other Unlawful Contributions to 2013 Bond Levy Proponent Pasco Citizens for Better Schools**

On September 26, 2013, 2013 Bond Levy Proponent Pasco Citizens for Better Schools contributes \$15,968.83 to itself. On October 24, 2013, Bond Levy Proponent Pasco Citizens for Better Schools contributes an additional \$1,000.00 to itself. No documentation in the submission is provided as to the source(s) of said funds contributed to itself. **EXHIBIT 13** and **EXHIBIT 37**.

In addition, the two (2) \$5,000.00 contributions made by Pasco Association of Educators to 2013 Bond Levy Proponent Pasco Citizens for Better Schools on October 17, 2012 and October 24, 2012 are likely in violation of RCW 42.17A.500 (**EXHIBIT 13**).

Similarly, on January 28, 2013 and February 11, 2013, the Pacific Northwest Regional Council Of Carpenters made two (2) \$250.00 contributions to 2013 Bond Levy Proponent Pasco Citizens for Better Schools, which is likely in violation of RCW 42.17A.500 (**EXHIBIT 13**).

**No Required Supervisory Training Regarding the Requirements of RCW 42.17A.555**

Despite the presence of multiple attorneys bearing Washing State Bar Association licenses, at no time, did Pasco School District No. 1 provide training or communication to its supervisory school personnel regarding their duty to know, apply, and communicate to their staffs the difference between acceptable information activities and inappropriate promotional activities in support of district ballot measures. To the contrary, no steps were taken in order to approach the 2013 Bond in an even keeled manner, only actions which served to promote approval of the measure and influence the vote were acceptable to Superintendent Hill, WSBA No. 31016.

**Superintendent Hill, WSBA No. 31016, Conducts Ex Parte Communications With Board Of Directors**

Superintendent Hill, WSBA No. 31016, is in constant email communication with her Board of Directors and vise versa without benefit of using Pasco School District email system. **EXHIBIT 30** is a sample of such communications. In this exhibit, Superintendent Hill, WSBA No. 31016, emails Board President Sherry Lancon at her work email address ([Sherry.Lancon@sterlingsavings.com](mailto:Sherry.Lancon@sterlingsavings.com)). With such communications, the Pasco School District does not identify communications for Board President Lancon with her Pasco School District email address ([slancon@psd1.org](mailto:slancon@psd1.org)). The public when requesting such documents will be denied full disclosure, including but not limited to blind copies.

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**LAW**

RCW 42.17A.555 Use of public office or agency facilities in campaigns — Prohibition — Exceptions, provides:

No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency.

RCW 42.17A.001 Declaration of policy provides:

It is hereby declared by the sovereign people to be the public policy of the state of Washington:

(1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

(2) That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty, and fairness in their dealings.

(3) That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interest.

(4) That our representative form of government is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.

(5) That public confidence in government at all levels is essential and must be promoted by all possible means.

(6) That public confidence in government at all levels can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions.

(7) That the concept of attempting to increase financial participation of individual contributors in political campaigns is encouraged by the passage of the Revenue Act of 1971 by the Congress of the United States, and in consequence thereof, it is desirable to have implementing legislation at the state level.

(8) That the concepts of disclosure and limitation of election campaign financing are established by the passage of the Federal Election Campaign Act of 1971 by the Congress of the United States, and in consequence thereof it is desirable to have implementing legislation at the state level.

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(9) That small contributions by individual contributors are to be encouraged, and that not requiring the reporting of small contributions may tend to encourage such contributions.

(10) That the public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.

(11) That, mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society.

The provisions of this chapter shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence of fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected. In promoting such complete disclosure, however, this chapter shall be enforced so as to insure that the information disclosed will not be misused for arbitrary and capricious purposes and to insure that all persons reporting under this chapter will be protected from harassment and unfounded allegations based on information they have freely disclosed.

In addition, the Public Disclosure Commission's Guidelines for School Districts in Election Campaigns provides that:

***“Supervisory school personnel have a duty to know, apply, and communicate to their staffs the difference between acceptable information activities and inappropriate promotional activities in support of district ballot measures (emphasis added).***

***Shall not coordinate informational activities with campaign efforts, in a manner that makes the district appear to be supporting or opposing a ballot measure (emphasis added).***

***Shall not use public resources to operate a speakers’ bureau in a manner that may be viewed as promoting a ballot measure (emphasis added).***

***Shall not direct district staff to perform tasks to support or oppose campaign activities or ballot measures (emphasis added).***

***Shall not use district resources to organize the distribution of campaign materials (emphasis added).***

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*Nothing in (the) statute is to be construed as authorizing preparation or distribution of information to the general public for the purpose of influencing the outcome of a school district election* (emphasis added).

Shall not use work hours or public resources to promote or oppose a candidate or ballot measure (such as gathering signatures, distributing campaign materials, *arranging speaking engagements*, coordinating phone banks, or *fundraising*) (emphasis added).

*Shall not use the school's internal mail or email system to communicate campaign-related information, including endorsements* (emphasis added) .

Lists of names (such as district vendors or parents) that a district has obtained or created in the course of transacting its regular public business are subject to public disclosure requirements; thus, unless otherwise exempt, *the lists must be released subject to public records requests* (emphasis added).

*Districts shall not use internal memoranda or other district publications to encourage employees to participate in campaign activities* (emphasis added).

*Student school projects supporting or opposing ballot measures shall not use public resources that are not regularly and routinely made available for other student projects* (emphasis added).

*Districts shall not display a "vote schools" sign or other promotional messages* on reader boards *or posters* (emphasis added).

*Districts shall not conduct surveys to determine what taxation level the public would support* (emphasis added)".

### **CONCLUSION**

Based on the revealing facts and documents provided herein, Superintendent Hill, WSBA No. 31016, and her administrative team participated in significant and continuous violations of RCW 42.17A et. seq. Violations are also attributable to 2013 Bond Levy Proponent Pasco Citizens for Better Schools.

Specific violations include, but are not limited to a significant use of public time, public office space and public facilities of Pasco School District No. 1 by Respondents, directly or indirectly, for:

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- Assisting, managing, and funding the campaign to approve the 2013 Bond Levy authorized by Resolution 850;
- Maintaining a “hand in glove” instead of a “arms length” relationship with 2013 Bond Levy Proponent Pasco Citizens for Better Schools;
- Maintaining knowledge of and promoting a scheme to funnel illegal campaign contributions to 2013 Bond Levy Proponent Pasco Citizens for Better Schools;
- Conducting surveys to determine what taxation level the public would support;
- Continually introducing the knowingly repulsive subject of multi-tracking and double sessions in order to promote 2013 Bond Levy and influence the outcome of the vote;
- Displaying 2013 Bond Levy promotional messages at school events;
- Conducting school projects to promote the 2013 Bond Levy;
- Targeting a specific subgroup in its effort to support the 2013 Bond Levy, and influence the outcome of the vote;
- Using District publications and promotional prizes to promote the 2013 Bond Levy;
- Providing 2013 Bond Levy Proponent Pasco Citizens for Better Schools with a clientele list of persons served by the office or agency for fund raising purposes and without the benefit of a Public Disclosure Request;
- Using the District's internal mail or email system to communicate campaign-related information;
- Promoting the 2013 Bond Levy by distributing campaign materials;
- Arranging and attending speaking engagements by respondents scheduled by 2013 Bond Levy Proponent Pasco Citizens for Better Schools;
- Developing, printing, purchasing, and displaying signs and other promotional messages in support of the 2013 Bond Levy, and influence the outcome of the vote;
- Handing out voter registration packets, an extraordinary function not heretofore performed by Pasco School District No. 1 staff;
- Authorizing the preparation, organization and distribution of information for the purpose of influencing the outcome of the 2013 Bond Levy;
- Preparing materials for Bond Levy Proponent Pasco Citizens for Better Schools for the purpose of supporting the Levy and influencing the outcome of the vote;
- Making statements by an elected official in support of the 2013 Bond Levy absent an open press conference or in response to a specific inquiry;
- Maintaining a continual and constant stream of communications between public agency officials and 2013 Bond Levy Proponent Pasco Citizens for Better Schools while failing to equally communicate with the Proponent Committee;
- Failing to apply or communicate to their staffs the difference between acceptable information activities and inappropriate promotional activities in support of the 2013 Bond Levy, and keeping an “arms length” separation between Superintendent Hill, WSBA No. 31016, agency officials, and 2013 Bond Levy Proponent Pasco Citizens for Better Schools.



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As enumerated and documented herein, 2013 Bond Levy Proponent Pasco Citizens for Better Schools served as the official Bond Levy Marketing Department for Pasco School District No. 1.

Superintendent Hill, WSBA No. 31016, and her agency officials clearly mentored, fostered and coerced a culture which employed any and all public resources to support 2013 Bond Levy Proponent Pasco Citizens for Better Schools. Furthermore, Superintendent Hill, WSBA No. 31016, and her administrative team executed a systematic, concerted and well coordinated effort to utilize public resources, including the funneling of campaign contributions, for the express purpose of influencing the vote and passing the 2013 Bond Levy authorized by Resolution 850.

Employing a licensed attorney as its Superintendent explains but does not excuse why Pasco School District No. 1 has among the lowest Measures of Student Progress and High School Proficiency Exam Results in the State of Washington (**EXHIBIT 39**). Employing a licensed attorney as its Superintendent neither explains or excuses the misappropriation of public resources and failure to abide by RCW 42.17A.555. The Superintendent's abilities and credentials do not meet the public's need for fiduciary responsibility, accountability or appropriate educational outcomes.

Citizens of Pasco School District No. 1 were aware they would be responsible for paying the extraordinary additional cost for the February 12, 2013 Special Election and resultant 2013 Bond Levy payments, if approved. However, these same citizens unknowingly were responsible for paying the significant public costs relative to supporting 2013 Bond Levy Proponent Pasco Citizens for Better Schools, and other activities in order to influence the outcome of the vote.

The scheme and crimes enumerated herein are so all-encompassing and pervasive it likely involves the Pasco School District No. 1 Board of Directors. Implicit or explicit direction and authority was necessary to carry out such an expansive misappropriation. However, it is clear that Superintendent Hill, WSBA No. 31016, and the Pasco School District No. 1 Board of Directors maintained ex parte communications outside the public's purview, making the public's burden of proof as to their involvement impossible.

As such, it is appropriate for the Public Disclosure Commission, State Auditor's Office and Superintendent of Public Instruction to review actions of the Pasco School District No. 1 Board of Directors in order to determine whether they: 1) appropriately monitored the performance and activities of Superintendent Hill, WSBA No. 31016, and the District's Assistant Superintendents as outlined in RCW 28A.330.100; 2) appropriately executed their fiduciary responsibilities over the public's resources; and 3) appropriately carried out their responsibilities in accordance with RCW 28A.330 et. seq. Moreover, the Public Disclosure Commission should support Complainant's request for the Attorney General's prosecution in accordance with RCW 42.17A.105 (5), RCW 42.17A.750 and RCW 42.17A.755.

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**CERTIFICATION**

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this complaint are true and correct.

Best Regards,

A handwritten signature in black ink, appearing to read "Roger E. Lenk", written in a cursive style.

Roger E. Lenk

Exhibits (39)

cc: Tri-City Herald  
KONA News Radio  
KNDU Television  
KVEW Television  
KEPR Television  
Tri-Cities Area Journal of Business  
Randy Dorn, Superintendent of Public Instruction ([Randy.Dorn@k12.wa.us](mailto:Randy.Dorn@k12.wa.us))  
Troy Kelley, State Auditor ([troy.kelley@sao.wa.gov](mailto:troy.kelley@sao.wa.gov))